

**REMARKS**

Claims 1-3 are rejected; claims 4-14 are objected to as being allowable if rewritten in independent form; and claims 15-18 are allowed.

The specification at pages 4, 6 and 41 has been amended to correct the informalities noted by the Examiner. Support for the amendment at page 6, line 20 is found, for example, at page 13, lines 14-15. The corrections at pages 4 and 41 are straightforward.

Withdrawal of the objection to the specification is respectfully requested.

Claims 1-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,884,535 to Saito et al. Saito et al was cited as disclosing a separator for a fuel cell including a base material having thereon a film comprising a conductive powder and a binder meeting the terms of the rejected claims. Although tacitly acknowledging that Saito et al does not disclose the bending elastic modulus of each of the base material and film, because the composition of the base material (carbon composite with binder) and film (carbon with binder) is said to be similar to that disclosed by the present specification, the Examiner considered that the base material and film of Saito et al would *inherently* meet the claimed bending elastic modulus for each of the two materials. The Examiner further cited various passages in Saito et al said to disclose the dimensions and thickness ratio of claims 2 and 3.

In response, claim 1 has been amended to incorporate therein the recitation of claims 4 and 5. Claims 4 and 5 have been canceled. Claims 6-13 have been amended to depend from claim 1.

Applicants further comment on the limitation of claim 5 as incorporated into claim 1, as follows.

The Office Action is silent with respect to claim 5.

The object of the invention of Saito et al is to provide a fuel cell separator having superior hydrophilicity and water-holding property. See column 2, lines 25-27 of Saito et al. On the other hand, an object of the present invention is to provide a fuel cell separator which has a low contact resistance and a low penetration resistance (page 5, lines 15-17 of the specification). In other words, the object of the invention of Saito et al is different from that of the present invention. Because of this difference, the invention of Saito et al does not have the features of claim 5 of the present invention, in particular, a component (a) constituting the layer (A), which corresponds to the conducting coating of Saito et al, and the layer (B), which corresponds to the base material of Saito et al.

For the above reasons, it is respectfully submitted that amended claim 1, constituting the combination of claims 1, 4 and 5 is patentable over Saito et al, and withdrawal of the foregoing rejection under 35 U.S.C. § 103(a) is respectfully requested.

Withdrawal of all rejections and allowance of claims 1-3 and 6-18 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
Application No.: 10/582,366

Attorney Docket No.: Q79325

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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**23373**

CUSTOMER NUMBER

Date: October 15, 2008